

06-14-01

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application Examiner: Frank Lu

Atty Docket: 017575.0661

Prior Group Art Unit: 1655

Client Docket: TAMUS1277

REQUEST FOR FILING DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)

## BOX PATENT APPLICATION

Commissioner for Patents  
Washington, D.C. 20231

|   |               |
|---|---------------|
| CERTIFICATE OF EXPRESS MAILING  |               |
| NUMBER  | EL483885192US |
| DATE OF DEPOSIT   | June 13, 2001 |
| I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231. |               |
| Signature   |               |

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/460,718 filed on December 14, 1999 entitled "THROUGH BOND ENERGY TRANSFER IN FLUORESCENT DYES FOR LABELLING BIOLOGICAL MOLECULES".

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/460,718 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful

false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

- ☒ The inventorship is the same as prior Application Serial No. 09/460,718.
- ☐ Deletion of inventor(s). A signed statement is attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
- ☐ Priority of foreign patent application number , filed on in is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:
- ☐ is enclosed.
- ☐ has been filed in the prior Application Serial No. .

- ☒ 2. Enclosed is a check in the amount of \$630 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment (if any) referenced below.

#### Small Entity Filing Fees Calculation

| FOR                          | NUMBER<br>FILED | NUMBER<br>EXTRA | RATE  | FEE   |
|------------------------------|-----------------|-----------------|-------|-------|
| Basic Fee                    |                 |                 |       | 355   |
| Total Claims                 | 46 - 20         | 26              | X 9 = | 235   |
| Independent Claims           | 4 - 3           | 1               | X 40  | 40    |
| Multiple Dependent<br>Claims | 0               |                 | 135   | 0     |
| Total Filing Fees:           |                 |                 |       | \$630 |

- ☒ 3. Applicant is entitled to Small Entity Status for this application.

- ☐ A Small Entity statement is enclosed.
- ☒ A Small Entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ Small Entity status is no longer claimed.

☒ 4. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Baker Botts, L.L.P. Deposit Account No. 02-0383.

☒ 5. Enclosed is a copy of the current Power of Attorney in the prior application.

☒ 6. Address all future communications to:

Baker Botts, L.L.P.  
One Shell Plaza  
910 Louisiana  
Houston, TX 77002-4995  
(713) 229-1992

☒ 7. The prior application is presently assigned to The Texas A&M University System.

☒ 8. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the calculation above and the fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

☒ 9. A Return Receipt Postcard is enclosed (should be specifically itemized). Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,



Christopher J. Buntel, Ph.D.  
Reg. No. 44,573  
Customer No. 23640  
AGENT FOR ASSIGNEE,  
THE TEXAS A&M  
UNIVERSITY SYSTEM

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June 13, 2001

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TRANSMITTAL LETTER

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| Signature: <i>Debra Sprouse</i>   |               |

Dear Sir:

Applicant hereby submits the following documents to be filed with the United States Patent and Trademark Office:

1. Request for Filing Divisional Application Under 37 C.F.R. § 1.53(b);
2. Preliminary Amendment;
3. Check in the amount of \$630.00; and
4. Postcard.

Please date stamp and return the enclosed postcard evidencing receipt of the above mentioned document. We authorize the Commissioner to debit Deposit Account No. 02-0383 of Baker Botts L.L.P. for any underpayment of fees which may be due in association with this filing.

Respectfully submitted,



Christopher J. Buntel, Ph.D.  
Reg. No. 44,573  
Customer No. 23640  
AGENT FOR ASSIGNEE,  
THE TEXAS A&M  
UNIVERSITY SYSTEM

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